

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INTERIM STATUS REPORT

The defendants are charged in an indictment with conspiring to distribute and possess with intent to distribute marijuana. 21 U.S.C. § 846, 858, and 841(c)(1).

Pursuant to Local Rule 116.5(b), the parties submit the following joint status report.

1. Automatic Discovery and Discovery Requests

The government has provided automatic discovery. The defendants have not yet formally requested additional discovery, although some defendants have made informal requests and the government has responded to those requests.

2. Timing of Additional Discovery

Additional reports concerning the drug laboratory and forensic analysis of drug evidence seized in May of this year will be disclosed when received.

Timing of Additional Discovery Requests

The timing of any additional discovery requests hinges on the parties' ability to review the voluminous discovery disclosed to date, which includes recordings and line sheets for intercepted wire and electronic communications occurring in March, April, and May of 2014 over six cellular telephones. Counsel propose that the Court set a deadline for making additional discovery requests by a firm date in November. (Counsel for Mr. Pedreira has been on trial for several weeks and plans to request an additional 60 days to review discovery).

3. Protective Orders

The parties do not presently perceive the need for the Court to issue any significant protective orders.

4. Pretrial Motions

The defendants have not filed any pretrial motions under Fed. R. Crim. P. 12(b). The Court may wish to consider establishing a date in December by which such motions should be filed.

5. Timing of Expert Disclosures

The parties agree that the government shall make expert disclosures 30 days before trial.

6. Defenses

The defendants have not and do not intend to raise and affirmative defenses.

7. Excludable Delay

The time between June 18, 2014 and July 29, 2014 was excluded from the Speedy Trial Act by the Court, as was the time between July 29, 2014 and October 7, 2014. Accordingly, zero days of non-excludable time have accrued and 70 days will remain under the Act in which the case must be tried.

8. Plea Discussions, Trial

The parties are still reviewing discovery. Some defendants have begun to engage in plea negotiations with the government. Nevertheless, it remains difficult to assess the likelihood of trial. Any trial is anticipated to last approximately 7-10 trial days.

9. Timing of Final Status Conference

The Court should set a final status conference for a date in December 2014 or January 2015.

The undersigned circulated a draft of this Status Report to all counsel of record on October 1, 2014 and counsel for seven of eight defendants responded. This report incorporates any comments of counsel who responded.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/ Theodore B. Heinrich
THEODORE B. HEINRICH
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing.

October 2, 2014

/s/ Theodore B. Heinrich
THEODORE B. HEINRICH
Assistant U.S. Attorney